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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,729	10/27/2000	Brandon Camp	SprintIDF1398(4000-00700)	6172

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EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2127

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,729

Applicant(s)

CAMP ET AL.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment on 12/27/04. Applicant's arguments have been fully considered but are not found to be persuasive.
2. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 5,835,763) in view of Priven et al. (hereinafter Priven) (US 5,327,559).**

4. As to claim 1, Klein teaches a process for processing a batch job, comprising: wrapping the batch job to create an application programming interface (API) for communication with a batch framework, the batch framework comprising a method to execute the batch job; and invoking the batch framework according to a predetermined schedule (*col. 3, lines 31-54*).

5. Klein does teach a method to execute the batch job with using a uniform APIs to control it (*col. 11, lines 7-11 and col. 5, lines 49-54*). Klein fails to explicitly disclose using classes to dispatch the batch jobs and for efficient reuse of programming code and platform independence by encapsulating the batch job. However, Priven teaches that it is well known to use classes to dispatch the batch jobs and for efficient reuse of programming code and platform independence

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by encapsulating the batch job (definition of object oriented programming) with classes and an API to dispatch the batch jobs (*col. 1, lines 6-10 and 48-52 and 62-68, col. 2, lines 8-16, col. 6, lines 56-68 and col. 11, lines 1-32*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of using classes from the object oriented programming to dispatch the batch jobs because this increases the efficiency by providing reusable and easily expandable programs (*col. 1, lines 16-23*).

6. As to claim 2, Klein teaches the process of claim 1 wherein the batch job resides locally with the batch framework (*col. 5, line 4*).

7. As to claim 3, Klein teaches the process of claim 1 wherein the batch job resides remotely from the batch framework (*col. 5, lines 12-13*).

8. As to claims 4-6, Klein teaches the process of claim 1 wherein the batch framework is invoked by a scheduling service (*col. 3, lines 39-40*).

9. **Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 5,835,763) in view of Priven et al. (hereinafter Priven) (US 5,327,559), and further in view of Swartz et al. (hereinafter Swartz) (US 6,625,651 B1).**

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10. As to claims 7-8, Klein fails to explicitly teach the process wherein the scheduling service is AutoSys. However, Swartz discloses processing a batch job using Autosys (*col. 20, lines 56-62*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of Autosys to the invention of Klein because Autosys is a job management system.

11. As to claim 9, Swartz teaches the process of claim 8 wherein the command line parameter is a Unix shell script (*col. 4, line 52*).

12. As to claim 10, Swartz teaches the process of claim 8 wherein the command line parameter is a Windows NT batch file (*col. 4, line 50*).

13. As to claims 11-12, it is rejected for the same reasons as stated in the rejections of claims 7-8.

14. As to claim 13, it is rejected for the same reasons as stated in the rejections of claim 9.

15. As to claim 14, it is rejected for the same reasons as stated in the rejections of claim 10.

16. As to claims 15-16, it is rejected for the same reasons as stated in the rejections of claims 7-8.

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17. As to claim 17, it is rejected for the same reasons as stated in the rejections of claim 9.

18.

19. As to claim 18, it is rejected for the same reasons as stated in the rejections of claim 10.

20. **Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 5,835,763) in view of Priven et al. (hereinafter Priven) (US 5,327,559), and further in view of Panikatt et al. (hereinafter Panikatt) (US 6,349,333 B1).**

21. As to claim 19, Klein in view of Priven fails to explicitly teach wherein the batch framework is a JAVA framework. However, Panikatt teaches a batch framework that is a JAVA framework involving classes and an API (*col. 8, lines 15-24, col. 11, lines 1-11, and see Abstract*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of wherein the batch framework is a JAVA framework to the existing system because this allows management application programs to be written in the platform independent language and insures portability (could be run on any Java-enabled browser) (*see Abstract, lines 2-6 and 13-14*).

22. As to claim 20, Klein in view of Priven fails to explicitly teach wherein the application programming interface for communication with the batch framework is a Java application programming interface. However, Panikatt teaches wherein the application programming

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interface for communication with the batch framework is a Java application programming interface (platform-independent JAVA API) (*col. 7, lines 26-29*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of wherein the application programming interface for communication with the batch framework is a Java application programming interface to the existing system because this allows management application programs to be written in the platform independent language and insures portability (could be run on any Java-enabled browser) (*see Abstract, lines 2-6 and 13-14*).

Response to Arguments

23. *Applicant argues that Klein does not teach using classes to dispatch jobs.*

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Office action never indicated that Klein taught using classes to dispatch jobs. That's why a 35 USC 103 rejection was made. The reference of Priven teaches using classes to dispatch jobs (*col. 6, lines 56-68 and col. 11, lines 1-32*).

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
2/6/05


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